

## UNITED STATES DISTRICT COURT

for the

Southern District of Ohio

United States of America

v.

JOSE NORIEGA-RODRIGUEZ

Case No. 3:21-mj-00448

Defendant(s)

## CRIMINAL COMPLAINT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of December 15, 2021 in the county of Clark in the  
Southern District of Ohio, the defendant(s) violated:

## Code Section

21 U.S.C. §§ 841(a)(1) and (b)(1)  
 (A)

## Offense Description

Possession with intent to distribute controlled substances – namely, 400 grams or more of a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance.

This criminal complaint is based on these facts:

See affidavit of Reed Collier, HSI Special Agent

☒ Continued on the attached sheet.REED J  
COLLIERDigitally signed by REED J COLLIER  
Date: 2021.12.16 10:28:17 -05'00'

Complainant's signature

Reed Collier, Special Agent, HSI

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by  
Telephone (specify reliable electronic means).

Date: 12/16/2021City and state: Dayton, OH

Peter B. Silvain, Jr.

United States Magistrate Judge



**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT**

I, Reed Collier, Special Agent of the United States Department of Homeland Security (DHS), Homeland Security Investigations (HSI), being duly sworn, depose and state under oath the following:

**INTRODUCTION**

1. Your affiant is an investigative or law enforcement officer of the United States and is empowered by law to conduct investigations of and to make arrests for violations of Title 18, Title 21, and Title 8 of the United States Code, together with other assigned duties as imposed by federal law.
2. Your Affiant is an employee of HSI assigned to the Cincinnati, OH Resident Office. Your Affiant has been employed with HSI since August of 2020. Prior to this, your Affiant was a Special Agent with the U.S. Secret Service for two and a half years in Detroit, MI, during which time your Affiant was assigned to a Cyber Fraud Task Force. Prior to that, your Affiant was a Police Officer for two and a half years in Fairfield, OH. Your Affiant has received extensive training in the investigation of drug trafficking, firearms violations, financial crimes, and cellphone analytics from HSI, the U.S. Secret Service and the Ohio Peace Officers Training Academy, as well as ongoing in-service training.
3. Based on my training and experience, I am familiar with federal drug laws, and am aware that it is a violation of Title 21 United States Code Sections 841(a)(1) and 846 to distribute and possess with intent to distribute controlled substances, as well as to conspire to do the same.

**PURPOSE OF AFFIDAVIT**

4. This Affidavit is submitted in support of a criminal complaint and seeks the issuance of an arrest warrant against Jose NORIEGA-RODRIGUEZ (**NORIEGA-RODRIGUEZ**) for violation of Title 21, United States Code Sections 841(a)(1) and (b)(1)(A) (possession with intent to distribute controlled substances – namely, 400 grams or more of a mixture or

substance containing a detectable amount of fentanyl, a Schedule II controlled substance). As part of the investigation, I have reviewed documentation and reports provided by and discussed information with other agents, officers, and investigators involved in the investigation. For purposes of this Affidavit, I have not distinguished between information of which I have direct knowledge and that of which I have hearsay knowledge.

5. This Affidavit does not contain every fact known to the investigation, but only those deemed necessary to demonstrate sufficient probable cause that NORIEGA-RODRIGUEZ committed the offenses alleged in the complaint.

#### **FACTS SUPPORTING PROBABLE CAUSE**

6. On Wednesday, December 15, 2021, at approximately 4:00 PM, Ohio State Highway Patrol (OSP) Troopers conducted a vehicle stop on a Blue Honda Accord bearing Ohio License plate JCE6918. The Trooper initiated the vehicle stop after observing a window tint violation, in violation of the Ohio Revised Code, at approximately mile marker 53, westbound Interstate 70, located within Clark County, within the Southern District of Ohio.
7. Upon approaching the vehicle, the Trooper made contact with the driver and sole occupant of the vehicle, later identified as NORIEGA-RODRIGUEZ. The vehicle was registered in the state of Ohio and was registered to NORIEGA-RODRIGUEZ.
8. In the course of completing the traffic stop and waiting for routine checks to return, the Trooper received consent to search the vehicle. NORIEGA-RODRIGUEZ freely signed a consent to search form that was recorded on the Trooper's dash camera.
9. Upon conducting a physical search of the vehicle, an investigator located a box of kitty litter in the trunk. Upon searching inside the box of kitty litter, the investigator located approximately 1 kilogram of packaged fentanyl. Upon this discovery, state investigators and HSI special agents responded to the scene. A Trooper advised NORIEGA-RODRIGUEZ of his Miranda Rights in the Spanish language as well as the English language, which he waived and agreed to speak to investigators without the presence of

counsel. A Trooper also conducted a search of NORIEGA-RODRIGUEZ's person and located a small amount of suspected cocaine. NORIEGA-RODRIGUEZ was in possession of two cell phones at the time of arrest; both phones were placed into airplane mode and seized as evidence.

10. After receiving and waiving his Miranda rights, NORIEGA-RODRIGUEZ told investigators there were more kilograms of suspected fentanyl located in his storage unit, located at Extra Space Storage, 2929 Dublin Road, Hilliard, OH, Unit # 1035. NORIEGA-RODRIGUEZ further stated that there could possibly be more suspected fentanyl and/or bulk US currency located in his apartment, at 195 E Main St., APT 416, Columbus, OH.
11. SA Tincher presented NORIEGA-RODRIGUEZ with two HSI Consent to Search forms, one for each location. SA Tincher communicated with NORIEGA-RODRIGUEZ in Spanish and confirmed NORIEGA-RODRIGUEZ could read Spanish. NORIEGA-RODRIGUEZ confirmed his reading abilities and read the HSI Consent to Search form. NORIEGA-RODRIGUEZ confirmed that he understood the form and was willing to grant consent to allow law enforcement to search those locations. NORIEGA-RODRIGUEZ signed the forms indicating he was granting consent to allow law enforcement to search those locations.
12. Investigators then traveled to the storage unit, accompanied by NORIEGA-RODRIGUEZ. A search of that unit yielded approximately 7 kilograms of fentanyl, 1 kilogram of heroin, 2 kilograms of cocaine, and approximately 4 pounds of marijuana. Investigators then traveled to the apartment, again accompanied by NORIEGA-RODRIGUEZ. A search of the apartment yielded 2 kilograms of Fentanyl, approximately 12 ounces of methamphetamine, and bulk US currency. NORIEGA-RODRIGUEZ was present during both searches and did not at any point withdraw his consent. Based on my training and experience, I know that fentanyl is a Schedule II controlled substance.
13. In a post-Miranda interview, NORIEGA-RODRIGUEZ admitted to being involved in the trafficking of controlled substances under the direction of unknown individuals in Mexico.

14. All of the controlled substances described above were field tested, and tested positive as being the type of controlled substance indicated.
15. I further submit that there is probable cause to believe that on or about December 15, 2021, JOSE NORIEGA-RODRIGUEZ, in the Southern District of Ohio, committed violations of Title 21, United States Code Sections 841(a)(1) and (b)(1)(A) (possession with intent to distribute controlled substances – namely, 400 grams or more of a mixture or substance containing a detectable amount of fentanyl, a Schedule II controlled substance) and Section 846 (conspiracy to commit the same).
16. I therefore respectfully request that a criminal complaint and arrest warrant be granted upon this Affidavit.

REED J  
COLLIER

Digitally signed by  
REED J COLLIER  
Date: 2021.12.16  
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Reed Collier, Special Agent  
Homeland Security Investigations

Subscribed and sworn to before me on December 16th, 2021

  
Peter B. Silvain, Jr.  
United States Magistrate Judge

